

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Fenton Confirmation No.: 2488
 Serial No. : 10/587,733 Art Unit : 3775
 Filed : December 1, 2006 Examiner : Lawson, Matthew James
 Title : Instrument For Positioning A Cup Component Of An Orthopaedic Joint Prosthesis

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed via EFS-Web to the Commissioner for Patents with the U.S. Patent and Trademark Office on: November 21, 2011

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|-------------------|----------------------|------|------------|
| Name (print/type) | Crystal Washington | Date | 11/21/2011 |
| Signature | /Crystal Washington/ | | |

Mail Stop Patent Ext.
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COMMUNICATION REGARDING PATENT TERM ADJUSTMENT

Applicants reviewed the USPTO calculation of the patent term adjustment for the above-referenced patent and believe that the patent term adjustment of 799 days calculated by the USPTO may be longer than appropriate.

In the attached PTA report, Applicants draw the Office's attention to the following facts: the Decision on Petition to Revive Application mailed 8/21/2006 was granted 383 days after the effective date of an Abandonment (8/4/2005); a Response to Non-Compliant Amendment dated 3/24/2010 was filed 16 days after the filing of a RCE/Non-Compliant Amendment on 3/8/2010. In addition, in accordance with Arqule v. Kappos, _F.Supp.2d (D/D/C 2-11) and under 35 U.S.C. 21, the Reply after Non-final Action filed 02/28/2011 should be adjusted from 31 days to 28 days filed after the Non-Final Action dated October 29, 2010 and the Issue Fee payment filed on 08/15/2011 should be adjusted from 2 days to 0 days submitted after the Notice of Allowance of 05/13/2011.

As a result, it is applicant's belief that the patent term should be recalculated taking into account the above facts. When Applicants calculated the term adjustment, Applicants found that the Patent Office's patent term adjustment should be reduced by 395 days to account for the above facts and thus the correct patent term adjustment for the above-referenced patent should be 404 days.

Respectfully submitted,
 /Brian S. Tomko/

By: _____
 Brian S. Tomko
 Registration No. 41349

Johnson & Johnson
 One Johnson & Johnson Plaza
 New Brunswick, NJ 08933-7003
 (732) 524-1239
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